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| 10/024,684      | 12/17/2001  | Leo Lauderbach       | 4452-447            | 2955             |

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EXAMINER

KRAMER, DEVON C

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 09/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/024,684

Applicant(s)

LAUDERBACH ET AL.

Examiner

Devon C Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 2,3 and 8-16 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-26 is/are allowed.
- 6) ☒ Claim(s) 1,4-7 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.

- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-62)
- 6) ☐ Other: \_\_\_\_\_

CHRISTOPHER P. SCHWARTZ  
PRIMARY EXAMINER

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2) Claims 1 are rejected under 35 U.S.C. 102(b) as being anticipated by Rehr (DE 4021321).

In reference to claim 1, Rehr provides s a piston-cylinder assembly (figure 1) comprising: a cylinder (abstract) having an axis; a piston rod (7) arranged for axial movement in the cylinder and projecting axially from the cylinder; an extension arranged for axial movement in the cylinder and projecting axially from the cylinder (other end of piston rod); an adjusting device (3) comprising an actuator (1) and a force transmitting element (4) which is driven by the actuator to move the piston rod relative to the cylinder, the element being connected axially to the extension.

3) Claims 17-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hanajima et al (JP 59151606).

Hanajima et al provides a piston-cylinder assembly comprising: a cylinder (1) having an axis and a bottom, a hollow piston rod (5) arranged for axial movement in the cylinder and projecting axially from the cylinder oppositely from the bottom, an adjusting device comprising an actuator (23) and a force transmitting element (17) which is driven

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by the actuator to move the piston rod relative to the cylinder; a connection accommodated in the hollow piston rod having one end fixed to the bottom of the cylinder and another end fixed to the force transmitting element, a radial connecting element inherently fixed to the piston rod (the rod must be fixed to something), a flange (3) connected to the bottom of the cylinder and a stop (24) fixed to the connection for limiting the movement of the piston rod relative to the cylinder. Please note that any element can be considered a stop.

***Claim Rejections - 35 USC § 103***

4) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5) Claims 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rehr (DE 4021321) in view of Flury et al (WO 00/71456).

It is not clear from Rehr if where the guides are for the piston rod, but it is known for axial movable members in the art of piston-cylinder devices to have guides.

Flury teaches the use of a guide in a cylinder for a piston rod and an extension.  
(Figure 1)

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the piston cylinder of Rehr with guides as seen by Flury in order to provide a means for the piston to slide within the cylinder with little resistance and along the designed path.

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6) Claims 5-7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rehr (DE 4021321) in view of Gitzinger (EP 0595357).

It is known in the art of piston-cylinder devices to limit the movement of the piston relative to the cylinder by utilizing a stop device. It is unclear from the drawings if Rehr utilizes a stop device though the cylinder end could be considered a stop.

Gitzinger uses a sleeve stop device (14) at the end of the cylinder.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the piston-cylinder of Rehr with the stop of Gitzinger to prevent damage to the cylinder from piston slap and further to prevent loss of fluid.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the connection to the extension by a threaded connection merely because a threaded connection is a known means to connect devices in the art.

7) Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hanajima (JP 59151606) in view of Koepsell (DE 29508612).

Hanajima lacks the teaching of the sleeve being connected by threads.

Koepsell teaches the attachment of a sleeve (48) by threads.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the attaching means of Hanajima with attaching threads as taught by Koepsell in order to provide a sturdy alternate equivalent means of attaching devices together.

***Allowable Subject Matter***

8) Claims 21-26 are allowed.

***Conclusion***

9) Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C Kramer whose telephone number is 703-305-0839. The examiner can normally be reached on Mon-Fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-3519 for regular communications and 703-308-3519 for After Final communications.

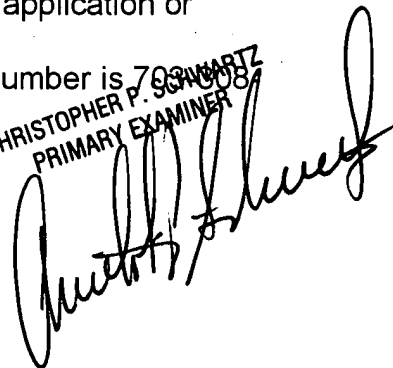
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1134.

CHRISTOPHER P. SCHWARTZ  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read "Christopher P. Schwartz", is written over the printed name and title.

DK  
September 18, 2003